

# HOUSE BILL REPORT

## HB 1596

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### As Passed House:

March 3, 2009

**Title:** An act relating to protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

**Brief Description:** Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

**Sponsors:** Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson.

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 2/3/09, 2/12/09 [DP].

#### Floor Activity

Passed House: 3/3/09, 93-0.

### Brief Summary of Bill

- Declares that the right of a mother to breastfeed her child in public places is a civil right protected under the state's law against discrimination.

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Miloscia.

**Staff:** Pam Madson (786-7111)

### Background:

Washington's law against discrimination prohibits discrimination against a person in the enjoyment of public accommodations, in employment, in real estate transactions, insurance, and credit transactions, and other specific circumstances based on the person's race, creed, color, national origin, sex, military or veteran status, sexual orientation, the presence of any

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sensory, mental, or physical disability or, in certain circumstances, other factors. Discriminatory acts are considered unfair practices and may be the subject of complaints brought to the Washington Human Rights Commission or filed in court.

The prohibition against discriminating in providing public accommodations applies to "any place of public resort, accommodation, assemblage, or amusement" and includes restaurants, hotels, motels, inns, stores, markets, shopping malls, theaters, cinemas, concert halls, arenas, parks, fairs, arcades, libraries, schools, government offices, and hospitals.

According to the National Conference of State Legislatures' summary of states' breastfeeding laws, Washington is one of 25 states that expressly declares the act of breastfeeding or expressing breast milk not to be indecent exposure under state criminal laws. Washington is one of 21 states that address breastfeeding in the workplace. Washington allows a public or private employer to use the designation "infant-friendly" if it provides flexible work schedules and clean appropriate facilities for breastfeeding and expressing breast milk. Forty states other than Washington have laws with language that allow women to breastfeed in public and private locations.

**Summary of Bill:**

Washington's law against discrimination includes the right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement. Discriminating against a woman based on her status as a mother breastfeeding her child is an unfair practice under the state's law against discrimination.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Breastfeeding is considered the best thing that can be done for a child up to a year old. Women need to be encouraged to breastfeed by removing the obstacles to breastfeeding. This issue is about a woman being able to move freely in the community taking her children with her and participating in everyday life. Women face obstacles to breastfeeding when they must do so in public and are stared at, asked to go somewhere more private like a bathroom, or asked to leave an establishment. This happens in a wide variety of public places. The more stresses on a breastfeeding mother, the less likely she will continue to breastfeed. Many mothers start out breastfeeding but the numbers drop off more rapidly due to these obstacles.

Women should be encouraged to breastfeed because of its health benefits to children and the mother. It is important to supplement the current laws to protect a woman who is breastfeeding in any public place. More than 30 other states have already taken similar action.

(Neutral) The Washington State Human Rights Commission (WSHRC) benchmarks with human rights agencies in other states, particularly Vermont and Hawaii on this issue. Those agencies receive only one or two complaints a year. The WSHRC estimates that Washington would receive about four to five complaints a year. Washington has a high percentage of women who breastfeed and a higher number of immigrant and low-income women who breastfeed. The cost to the WSHRC is estimated to be very low.

(Opposed) None.

**Persons Testifying:** (In support) Representative Green, prime sponsor; Kim Rechner; Kim Radthe, Breastfeeding Coalition of Washington; Tammy Putvin, Labyrinth Living; Sarah Huntington and Judith Ritchie, South Sound Breastfeeding Network; Heather Moore, National Organization for Women; Kerrie Christie; and Melissa Bonghi.

(Neutral) Idolina Reta, Washington State Human Rights Commission.

**Persons Signed In To Testify But Not Testifying:** None.